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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,018	12/27/2004	Kjell Lindskog	PAH-103	6826

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Mark P Stone  
25 Third Street  
4th Floor  
Stamford, CT 06905

EXAMINER
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BANGACHON, WILLIAM L

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/502,018	<b>Applicant(s)</b> LINDSKOG, KJELL	
	<b>Examiner</b> William L. Bangachon	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 10 and 12-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/27/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Remarks*

1. In response to the application filed 12/27/2004, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-20 are unpatentable for the reasons set forth in this Office action:

### *Claim Objections*

2. Claims 10 and 12-20 are objected to because of the following informalities: In claims 10 and 12-20, it is unclear whether the second key is the same as the stationarily disposed second key recited in claim 1. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-9 and 11 provides for the use of “a process of opening a container for the transportation of valuable objects”, or the use of “a stationarily disposed second key (20)”, but, since the claim does not set forth any steps involved in the

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method/process, it is unclear what method/process applicant is intending to encompass.

**A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.**

Further, in claim 1, the phrase "**for instance**" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

In claims 10 and 12-20, the second key (20) lacks the necessary structural cooperative relationship among the elements of the claims.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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6. Claims 1-4, 6 and 9-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 and 9 of copending Application No. 10/502,020 {hereinafter '020'}. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the present invention and '020' are claiming the same subject matter, namely, a process and apparatus for providing security to a transportable container using the combination of two key ID codes to initiate deactivation of an alarm installed in the container and/or opening the container. A portable first key carried by a user supplies the first key code and in combination with the first key code, a second key code is supplied at the destination by a second key installed in the premises, to complete a code-set for initializing opening/deactivation of said container.

In this case, claim 1 of '020' reads on claims 1, 3, 6 and 11 of the present invention. Claim 2 of '020' reads on claim 2 of the present invention. Claim 4 of '020' reads on claim 4 of the present invention. Claim 3 of '020' reads on claim 9 of the present invention. Claim 9 of '020' reads on claims 10 and 12-20 of the present invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-4, 6, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,705,991 {hereinafter 'Kniffin et al'}.

In claims 1-3 and 11, Kniffin et al teach of a process of opening a container for the transportation of valuable objects or valuable documents, in the form of a delivery truck container 62, shown in Figure 4. The container 62 includes a first electronic unit, in the form of an access control device 64, which functions to allow opening of the container 62 and guards against unauthorized opening {see Kniffin et al, column 8, lines

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15-19}. Kniffin et al states that the ID device 70 (person-carried primary key (10)) supplies the identity of the accessing party (i.e. subset AB). The proximity card at the intended destination (secondary key (20)) supplies the authorized location of the scheduled stop of the container (i.e. subset CD) {see Kniffin et al, column 8, lines 38-41}. Kniffin et al further states that **“if the truck visits an unauthorized location, the access control device will sense either the absence of an identification device, or will sense an identification device that does not correspond to an authorized stop. In either case, the access control device will block access to the truck’s contents”** {see Kniffin et al, column 8, lines 44-49}. This implies that the process is characterized by using a secondary key (20), in the form of a proximity card mounted at a loading dock at an intended destination, which together with the ID device 70 completes the full code-set (ABCD) required to initiate opening of the container 62 {see Kniffin et al, column 8, lines 30-41}. Furthermore, Kniffin et al states, **“In a high security application, the access control device can be configured to require the presence of two or more authorized users before permitting access to the secured area”** {see Kniffin et al, column 9, lines 26-31}. This further implies that the authorized location in combination with two or more authorized users, forms the full code-set (i.e. authorized location plus ID code of two or more users) to allow an authorized opening of the container 62 at the scheduled truck stop.

In claim 4, Kniffin et al teach of a limited period of authorization, which is considered as functionally equivalent to the claimed “opening of the container is only permitted within a predetermined time period” {see Kniffin et al, column 8, lines 55-58}.

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In claim 6, the complete code-set (ABCD) required for initiating opening of the container 62 opens dialog-like communication with the electronic unit (2) of the container 62 for allowing opening of the container 62 to be completed, through the medium of code interplay, such as via radio transmissions as shown in Figures 1-4. Also see Kniffin et al, column 3, lines 32-45.

In claim 9, Kniffin et al teach, stationary second keys are installed in a number of spaces included in the transportation route of transportable containers 62 {see Kniffin et al, column 9, lines 11-22}.

11. Claims 5, 7-8, 10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,705,991 {hereinafter 'Kniffin et al'}.

In claim 5, Kniffin et al teach that the identification devices at the various delivery stops (i.e. second key) are reprogrammable devices {see Kniffin et al, column 9, lines 18-22+}. That, **“programming instructions and authorization data are disseminated manually, such as by keys (i.e. master keys) with programming capabilities”** {see Kniffin et al, column 5, lines 8-11}. This implies that master keys (i.e. claimed first key) are used to program other keys in the system of Kniffin et al (These types of keys are discussed in the patents cited in column 6, lines 18-26 of Kniffin et al, wherein one of the patents {Imran} is cited below) and considered as functionally equivalent to the claimed “the first key transfers to the second key (20) a unique subset (CD) of the complete code-set (ABCD)”. Kniffin et al does not explicitly disclose, “the master key (first key) programs other keys (i.e. second key (20)) when used for the first



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time". The Examiner is taking Official notice that an ID device (i.e. claimed second key) is programmed with an ID code when used for the first time. As such, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include "the master key (first key) programs other keys (i.e. second key (20)) with an ID code when used for the first time" in the system of Kniffin et al because this will ensure that the correct ID code is transmitted by the ID device.

With regards to claims 7 and 8, although Kniffin et al does not disclose "an attempt to invalidate said stationary installation will result in the destruction of a code subset (CD) contained in the second key (20)" or "damage to a casing (21) containing the stationary second key (20) will result in the destruction of a code subset (CD) contained by the second key (20)", again, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, that if the proximity card of Kniffin et al is damaged or broken, then the circuitry within the card will also be damaged. When the circuitry of the card is damaged, then it will not function accordingly and will not be able to communicate with the access control device 64. As such, damage to the circuitry will also result in the destruction of the code contained by the proximity card.

Claims 10 and 12-20 recite an arrangement for carrying out the process according to claims 1-4, 9 and 11 except "said electronic unit (22) is encapsulated in a casing (21)". The Examiner is taking Official notice that electronic devices are encapsulated in a casing to protect the circuitry of the electronic device from damage. Therefore, although Kniffin et al does not disclose "said electronic unit (22) is encapsulated in a casing (21)", it would have been obvious to one of ordinary skill in the

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art, at the time of applicant's invention, to encapsulate the proximity card of Kniffin et al in a casing because the casing will advantageously be utilized to protect the ID device circuitry or proximity card circuitry from damage.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,384,709 {Mellen et al} is cited because it teaches of "an access control system for preventing mobile containers from tampering or theft during transit, through the use of a programmable electronic lock, which can be unlocked only by means of an enabled electronic key that has been programmed with geographical location data representative of the destination site of the container. When the mobile container arrives at its destination, the key is coupled with a comparator, which compares the geographic location information in the key with real time geographic location information from a geographic location detection unit associated with the mobile container. In response to a match, the comparator enables the key for a prescribed period of time. The key may then be inserted into the programmable electronic lock, which reads the key to determine whether it has been enabled. If the key is enabled, the lock can be unlocked, to provide access to the container". See whole document.

US Patent 4,851,652 {Imran} is cited because it shows an example of a key/access card 18 and lock 17 interface {see Imran, whole document} cited by Kniffin et al in column 6, lines 18-26 that can be used with Kniffin et al's system.

***Office Contact Information***

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached from Monday through Friday, 9:00 AM to 5:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Zimmerman can be reached on **(571)-272-3059**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

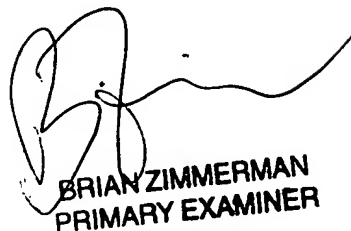
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Examiner  
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March 19, 2007



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